



# Department of Planning, Housing, & Community Development

**Mayor, Richard C. David**  
*Director, Dr. Juliet Berling*

## STAFF REPORT

Date: December 10, 2015  
Subject: 38 Patricia Street; Area Variance  
Applicant: James and Suzanna Miller  
Tax ID #: 159.34-1-33  
Case: 2015-26

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### A. SUMMARY:

The applicants seek an Area Variance for the minimum side yard setback required for an accessory structure in the City of Binghamton. The applicant is requesting a variance to allow the construction of a garage 1'8" from the property line, where 5' the minimum setback. See chart below for the calculations.

Corner	Proposed Setback	Required Setback	Variance Requested
Southeast	3'2"	5	1'8"
Southwest	3'1"	5	1'9"

The subject site is a 6,885 sq. ft. lot, located in the R-1, Residential One-Unit Dwelling District.

### B. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

#### Precedent:

66 Lincoln Ave – In November of 2015, an Area Variance was granted to construct a shed with a 2' side and back yard setback, where 5' is the minimum required in the R-1, Residential Single Unit Dwelling District.

7 Chestnut St – In 2004, an Area Variance was granted to allow an existing 8' by 8' storage shed in an R-1, Residential Single Unit Dwelling District.

**Location:**

97 Highland Ave – In 2010, an Area Variance for minimum front setback in the R-1, Residential Single Unit Dwelling District was approved.

9 Serrell Ave – In 2008, an Area Variance for minimum lot area and maximum lot coverage in the R-2, One and Two Unit Dwelling District was approved.

**C. ENVIRONMENTAL IMPACT**

The applicant's proposal is a SEQR Type II Action.

*No further environmental review is required.*

**F. STAFF COMMENTS**

1. Reasonable Alternative

- a. The board must decide if there are reasonable alternatives.

2. Substantial Request

- a. The largest variance requested is 1'9."

3. Self-created Hardship

- a. The ZBA must determine if there is a self-created hardship.

4. Undesirable Change

- a. Many sheds on neighboring properties are legal non-conforming regarding setbacks. Please, reference the applicant's site plan for two examples.

**H. ENCLOSURES**

Enclosed are copies of the site plan, the application and site photos.